



# CITY OF NEWTON, MASSACHUSETTS

## Department of Planning and Development

Setti D. Warren  
Mayor

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Public Hearing Date:	July 13, 2010
Land Use Action Date:	September 21, 2010
Board of Aldermen Action Date:	October 4, 2010
90-Day Expiration Date:	October 11, 2010

DATE: July 9, 2010

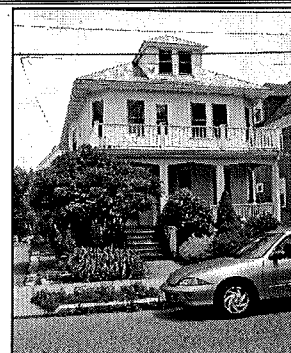
TO: Board of Aldermen

FROM: Candace Havens, Interim Director, Planning and Development Department  
Alexandra Ananth, Senior Planner

SUBJECT: Petition #178-10 of EDWARD TAPPER PLOTKIN for a SPECIAL PERMIT/SITE PLAN APPROVAL to waive the minimum dimension of a parking stall and to waive the minimum dimension of an entrance/exit drive in order to relocate one of two existing tandem parking spaces at 64 EDDY STREET, Ward 3, West Newton, on land known as Sec 21, Blk 37, Lot 14, containing approximately 4,663 sf of land in a district zoned MULTI RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-19(g)(2), (3), and 30-19(m) of the City of Newton Rev Zoning Ord, 2007.

CC: Mayor Setti D. Warren

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



## EXECUTIVE SUMMARY

The subject property consists of a 4,663 sq. ft. lot currently improved with a two-family residence with one driveway on the southeast lot line. The existing driveway is quite narrow, with a width of 6.3 ft. at its pinch-point. Although the driveway is quite long, because of the pinch point and an abutting fence it is difficult to fit two tandem spaces in this driveway. The petitioner seeks to add an additional curb cut and parking area for one car only on the northwest side of the property in the front setback in order to provide better parking access for both units. The petitioner has stated that each unit has only one car. The proposed new parking stall and driveway do not meet the minimum dimensions required by ordinance for which the petitioner is seeking special permits.

*Although there appear to be some residences in the immediate neighborhood with two curb cuts and parking in the front setback the Planning Department is concerned that the proposed parking arrangement will adversely affect the character of the neighborhood. Furthermore, the Planning Department notes that if the northerly abutter decides to place a fence or park a car along the property line, there would not be sufficient room between the fence and the existing porch and stairs to exit a car.*

### I. SIGNIFICANT ISSUES FOR CONSIDERATION

When considering this request, the Board should consider whether the following findings apply:

- ◆ The proposed waivers of the minimum dimensional requirements for a parking stall in the front and side setback are in the public interest and will not create a hazard to vehicles or pedestrians; and
- ◆ The proposed waivers of the minimum dimensional requirements for an entrance or exit drive are in the public interest and will not create a hazard to vehicles or pedestrians.

### I. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

#### A. Neighborhood and Zoning

Eddy Street is located off Washington Street in Newtonville. It is located within a district zoned Multi Residence 3 (*SEE ATTACHMENTS "A" AND "B"*). Most of the lots are between 4,000 and 8,000 sq. ft. and are two-family uses. Across Eddy Street are some larger lots between 8,000 and 12,000 and a mix of single- and two-family uses and apartments.

#### B. Site

The 4,663 sq. ft. site is relatively level and currently contains a stucco two-family residence. A paved driveway along the southeasterly property line leads to the rear of the site where there is a bituminous parking area.

## II. PROJECT DESCRIPTION AND ANALYSIS

### A. Land Use

No changes in use are proposed. The existing two-family residence is an appropriate use for the Multi Residence 3 District.

### B. Building and Site Design

The petitioner proposes to add a curb cut and parking space along the front northwest property line in order to eliminate the need for tandem parking (*SEE ATTACHMENT "C"*). In order to compensate for the additional paving and potential decrease in open space the petitioner is proposing to remove a large portion of the paved area in the rear and create a garden area. This would make the now nonconforming open space increase from 22.3% to 52.9% (where 50% is required) and eliminate a nonconformity.

### C. Parking and Circulation

The petitioner proposes to locate an additional curb cut and parking stall in the northwest corner of the lot. The petitioner is seeking a waiver for a substandard sized stall of 7.9' x by 19' where 9' x 19' is required. Although this stall would be located in the front and side setback one parking stall per dwelling unit may be located within required setback and sideline distances. The proposed new curb cut is only 7.9 feet wide where 12 feet are required, for which the petitioner is seeking a waiver.

*Although there appear to be some residences in the immediate neighborhood with two curb cuts and parking in the front setback, the Planning Department is concerned that the proposed parking arrangement will adversely affect the character of the neighborhood. The Planning Department also notes that the proposed new curbcut is adjacent to the neighbor's driveway (which is not shown on submitted plans). If the northerly abutter decides to place a fence or car on the property line, there may not be sufficient room given the proposed undersized stall.*

The Planning Department suggests the petitioner consider removing the bay window along the south side of the house, which is the pinch point in the existing driveway. Although this would continue the tandem parking arrangement, it would prevent parking in the front setback and would not be much narrower than the proposed new parking stall should the northerly abutter decide to put up a fence on the property line.

### D. Landscape Screening, Lighting, and Signage

The petitioner would need to remove a large rhododendron in order to accommodate the proposed parking stall. However, the petitioner is proposing to remove some existing paving in the rear of the lot in order to create a garden area though no landscape plan was submitted. Typically the Planning Department would recommend

some screening for any parking in the setbacks; however, there does not appear to be room in this case.

III. TECHNICAL REVIEW

- A. Technical Considerations. The Zoning Review Memorandum dated February 1, 2010 (*SEE ATTACHMENT "D"*), provides an analysis of the proposal with regard to zoning. Special permits are required to waive the minimum dimension of a parking stall and to waive the minimum dimension of an entrance or exit drive.
- B. Other reviews. The Engineering Division's review is attached (*SEE ATTACHMENT "E"*).

IV. ZONING RELIEFS SOUGHT

Based on the completed Zoning Review Memorandum, the petitioner is seeking approval through or relief from:

- Section 30-19(g)(2), & 30-19(m), to waive the minimum dimension of a parking stall
- Section 30-19(g)(3) & 30-19(m), to waive the minimum dimension of an entrance or exit drive

V. Summary of Petitioner's Responsibilities

*The petitioner should carefully consider the issues raised in this memorandum and be prepared to respond to questions raised at the public hearing.*

ATTACHMENTS

**ATTACHMENT A:** *Zoning Map*

**ATTACHMENT B:** *Land Use Map*

**ATTACHMENT C:** *Proposed Site Plan*

**ATTACHMENT D:** *Zoning Review Memorandum, dated February 1, 2010*

**ATTACHMENT E:** *Engineering Division Review Memorandum, dated July 1, 2010*

# Zoning Map

64 Eddy St.

Legend	
	64 Eddy St.
	Building Outlines
	Single Res. 1
	Single Res. 2
	Single Res. 3
	Business 1
	Business 2
	Business 4
	Business 5
	Limited Manufacturing
	Manufacturing
	Multi-Res. 1
	Multi-Res. 2
	Multi-Res. 3
	Multi-Res. 4
	Mixed Use 1
	Mixed Use 2
	OS/Rec.
	Public Use

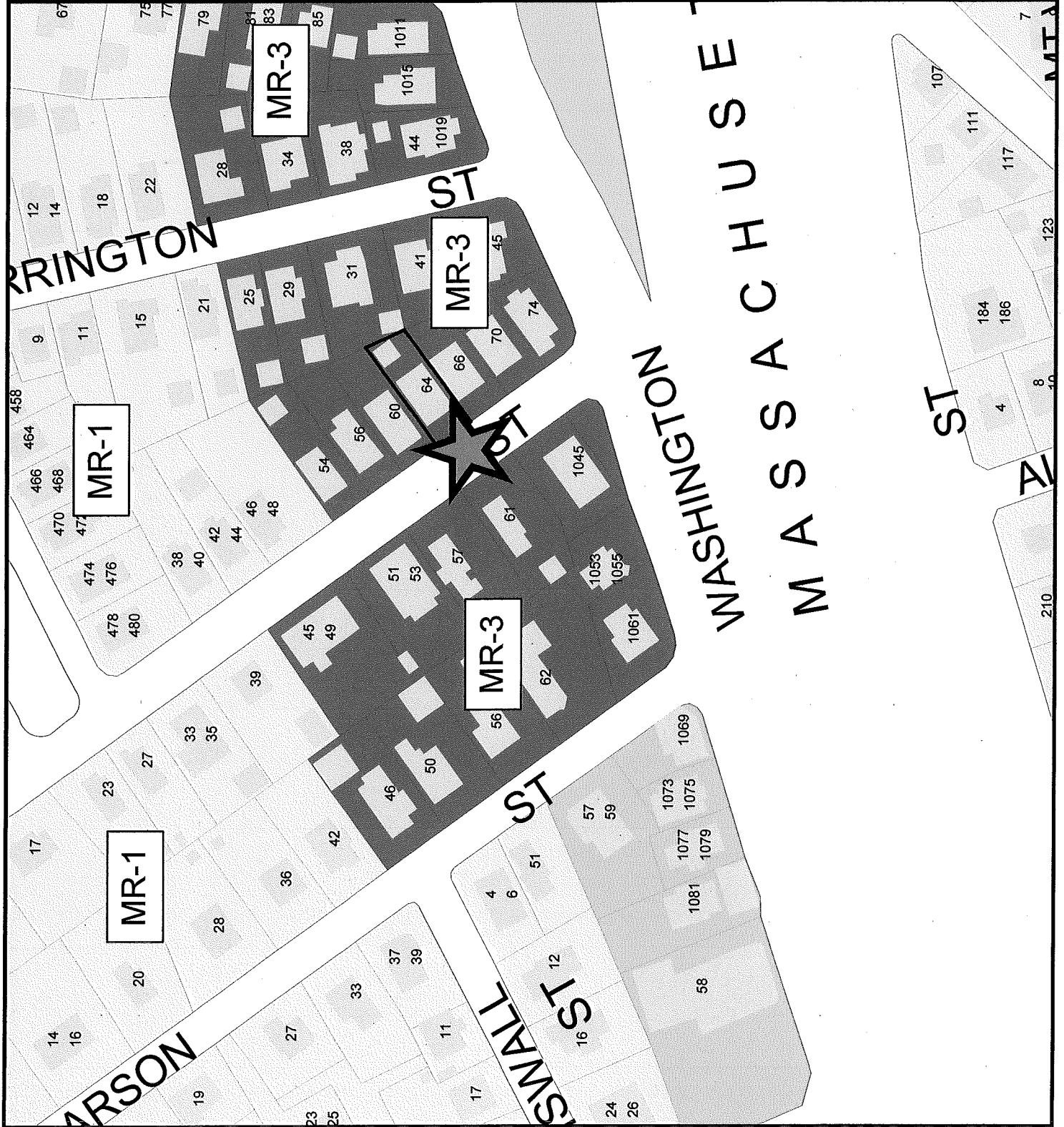


## ATTACHMENT A

The information on this map is derived from the Geographic Information System (GIS) of the City of Newton. The City cannot guarantee the accuracy of the information. Each user of this map should verify the information for determining its suitability for its intended purpose. City departments may approve applications based on this information.

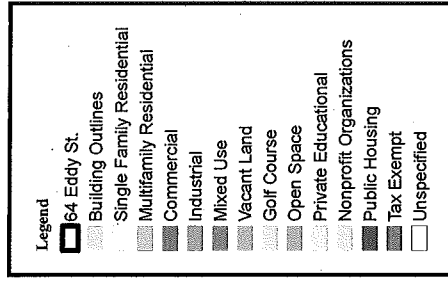


MAP DATE: Jul



# Land Use Map

64 Eddy St.

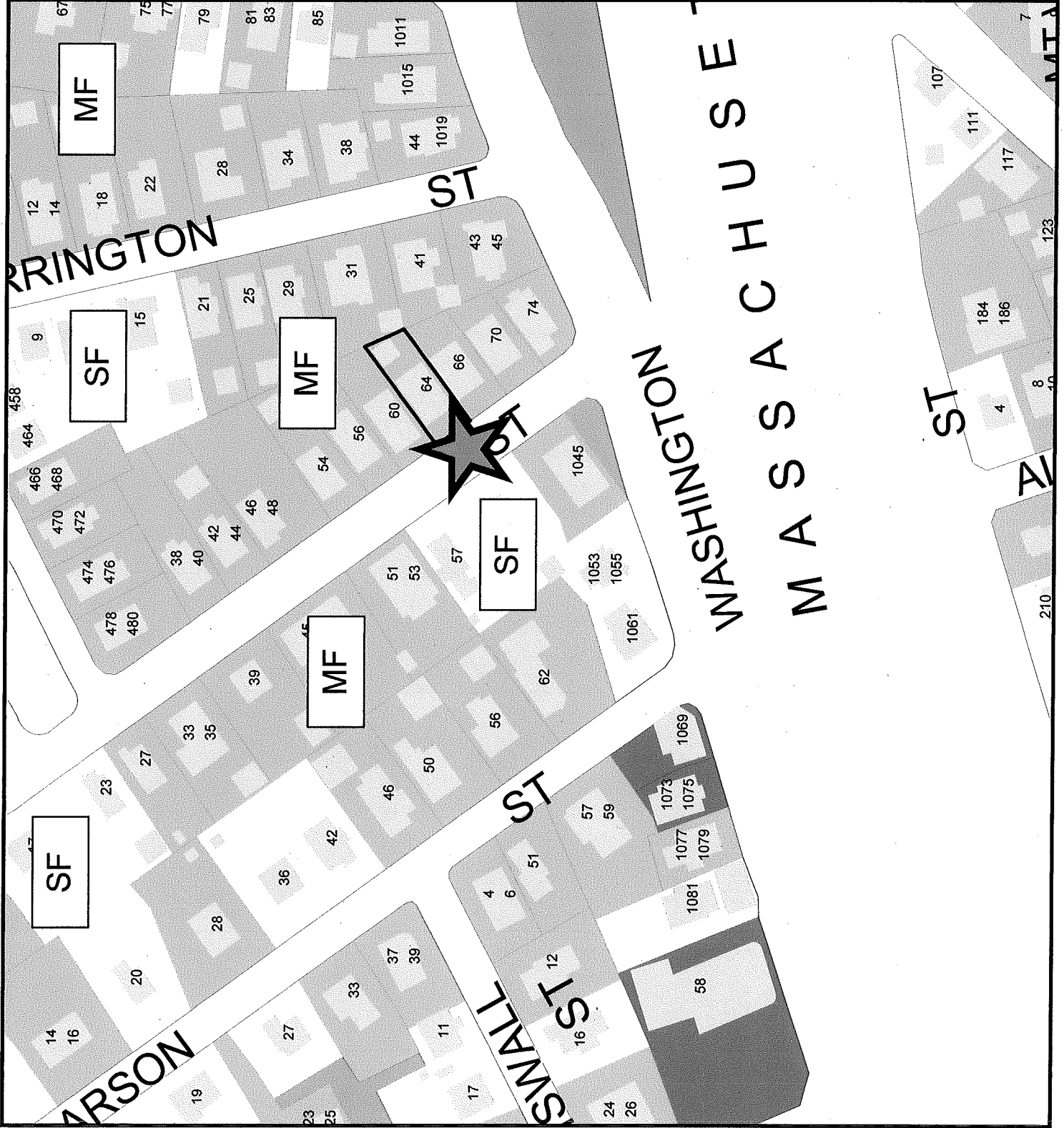


ATTACHMENT B

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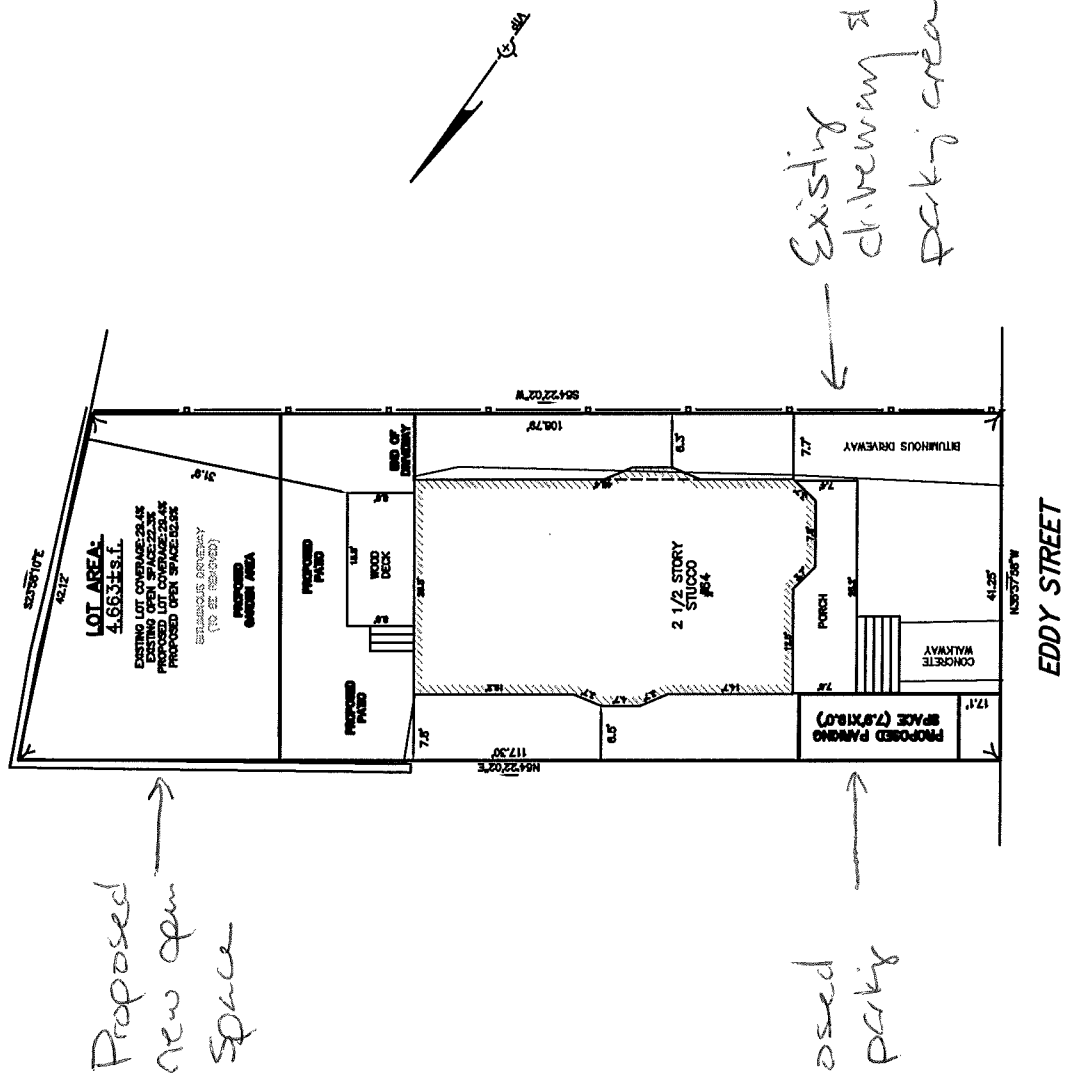
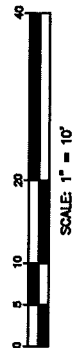
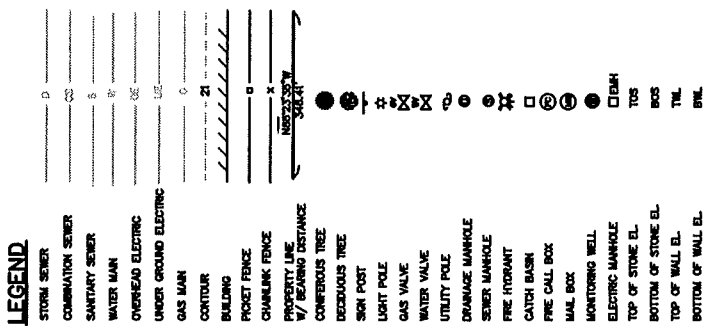


MAP DATE: Jul



VTP  
ASSOCIATES

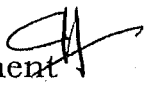
LAND SURVEYORS - CIVIL ENGINEERS  
#132 ADAMS STREET 2ND FLOOR SUITE  
NEWTON, MA 02458  
(617) 332-8271



## **Zoning Review Memorandum**

Dt: February 1, 2010

To: John Lojek, Commissioner of Inspectional Services

Fr: Eve Tapper, Chief Zoning Code Official  
 Candace Havens, Acting Director, Department of Planning and Development 

Cc: Edward Tapper, property owner  
 Ouida Young, Associate City Solicitor

**RE: Request for parking in the front setback**

**Applicant: Edward Tapper**

**Site:** 64 Eddy Street

**SBL:** Section 21, Block 37, Lot 14

**Zoning:** MR-3

**Lot Area:** 4,663 sq. ft.

**Current use:** Two-family residence

**Proposed use:** Two-family residence  
 with two curb cuts

**Background:**

The subject property consists of a 4,663 sq. ft. lot currently improved with a two-family residence. There is a single, narrow driveway on the southeast portion of the lot bounded by the neighbor's fence just beyond the property line. The fence and the existing width of the driveway make it difficult to fit two tandem parking spaces in this driveway. The applicant has proposed a second curb cut on the southwest side of the property to relocate one of the parking spaces.

**Administrative determinations:**

1. The subject site is comprised of a lot created before December 7, 1953 ("old lot") and is subject to pre-1953 dimensional controls applicable to lots in the MR-3 zone. The following review is based on the materials and plans received to date referenced under Plans and Materials Reviewed.



2. The following table sets forth the applicable dimensional controls for residences located in the MR-3 zone:

<b>MR-3 (Old Lot)</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Lot Area	7,000 square feet	<b>4,663 square feet</b>	<b>No change</b>
Lot Area Per Unit	3,500	<b>2,331.5 square feet</b>	<b>No change</b>
Frontage	70 ft.	<b>41.25 feet</b>	<b>No change</b>
Setbacks Front Side Rear	15 ft. 7.5 ft. 15 ft.	<b>Information not provided by the applicant, but since no changes are proposed to the existing structure it is not relevant to this review</b>	<b>No change</b>
Total Floor Area Ratio	.4	<b>See note above</b>	<b>No change</b>
Max. building lot coverage	30%	29.4%	29.4%
Min. amount of open space	50%	<b>22.3%</b>	52.9%

3. The subject property is currently legally nonconforming with respect to the minimum amount of open space. The applicant proposes an additional curb cut and driveway. However, under the proposed plan he will also remove paving in the rear yard. The net result of the plan will be to increase open space significantly bringing the property into conformance with this dimensional standard.
4. Section 30-19(g)(1) lays out the requirements for the location of parking spaces in parking facilities containing less than five parking stalls. The proposed design includes two parking spaces in the front or side setback. This is allowed for the subject two-family dwelling.
5. Section 30-19(g)(2) sets the minimum dimensions of an individual parking stall at nine feet wide by 19 feet long. The proposed new parking space is only 7.9 feet wide. A special permit from the Board of Aldermen under Section 30-19(m) is required to allow this smaller dimension.
6. Section 30-19(g)(3) requires entrance and exit drives to be a minimum of 12 feet wide. The proposed new driveway is only 7.9 feet wide. A special permit from the Board of Aldermen under Section 30-19(m) is required to allow this smaller dimension.

7. See "Zoning Relief Summary" below.

<b>Zoning Relief Summary</b>		
<b>Ordinance</b>		<b>Action Required</b>
	<b>Parking</b>	
§30-19(g)(2), 30-19(m)	Waive the minimum dimension of a parking stall	SP per §30-24
§30-19(g)(3), 30-19(m)	Waive the minimum dimension of an entrance or exit drive	SP per §30-24

Plans and materials reviewed:

- "Site Plan, Newton, Massachusetts, Showing Proposed Conditions at #64 Eddy Street, dated December 28, 2009, signed and stamped by Joseph R. Porter, Professional Land Surveyor

CITY OF NEWTON  
ENGINEERING DIVISION

MEMORANDUM

To: Alderman Ted Hess-Mahan, Land Use Committee Chairman

From: John Daghlion, Associate City Engineer

Re: Special Permit – 64 Eddy Street

Date: July 1, 2010

CC: Lou Taverna, PE City Engineer (via email)  
Candice Havens, Acting Director of Planning (via email)  
Linda Finucane, Associate City Clerk (via email)  
Alexandra Ananth, Planner (via email)

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In reference to the above site, I have the following comments for a plan entitled:

*Site Plan of Land Showing Proposed Conditions at #64 Eddy Street  
Newton, MA*

*Prepared by: VTP Associates, Inc.*

*Dated: December 28, 2009*

*Executive Summary:*

The applicant is proposing a new paved parking stall for one vehicle with the front setback. The location is directly adjacent to the neighbor driveway which is right on the property line, which the site plan does not show. The applicant needs to remodel the sidewalk and curbing in conformance with the City's Construction Standards for a driveway apron should this permit be approved. As a large area of existing asphalt (parking spaces) in the backyard is being removed and re-sodded, there is no need for any drainage improvements associated with the new parking stall.

Please note that the City standard for a pull in driveway is 9' x 19' the proposal is for a 7.5' x 19' this does not meet the minimum requirement which may be difficult for the neighbor's vehicle entering and exiting the vehicle in their own driveway.

General:

1. As of January 1, 2009, all trench excavation contractors shall comply with Massachusetts General Laws Chapter 82A, Trench Excavation Safety Requirements, to protect the general public from unauthorized access to unattended trenches. Trench Excavation Permit required. This applies to all trenches on public and private property. *This note shall be incorporated onto the plans*
2. The contractor is responsible for contacting the Engineering Division and scheduling an appointment 48 hours prior to the date when the construction work will be made available for an inspection of driveway apron. *This note should be incorporated onto the plans*
3. The applicant will have to apply for Street Opening & Sidewalk Crossing permits with the Department of Public Works prior to any construction. *This note must be incorporated onto the site plan.*
4. An As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan should show all utilities and final grades, any easements and final grading. *This note must be incorporated onto the site plan.*

Note: If the plans are updated it is the responsibility of the Applicant to provide all City Departments [Conservation Commission, ISD, and Engineering] involved in the permitting and approval process with complete and consistent plans.

If you have any questions or concerns please feel free to contact me @ 617-796-1023.